Comments and Responses on Tri-Party Agreement Milestone Changes September 1991

Introduction

On September 9, 1991, we, the U. S. Department of Energy (DOE), U.S. Environmental Protection Agency (EPA) and the Washington Department of Ecology, agreed on changes to several milestones in the Hanford cleanup agreement, called the Tri-Party Agreement. DOE requested the original changes in February. On May 16, 1991, the three parties presented the proposed changes (listed on the next pages) to the public.

The proposed set of changes was the product of an intensive two months of negotiations. None of the agencies, nor some members of the public, got everything they wanted; however, the three parties believe that, all things considered, the changes are reasonable. In addition to the initial proposed changes, several new milestones were added to the Tri-Party Agreement.

Before beginning negotiations, DOE presented the proposed changes at four public meetings and two day-long workshops (March 4 - 7) across the state to get the public's reaction to the proposed changes. Though many important issues came up, without question the reoccurring theme was, "don't delay the cleanup." It was this theme that became a primary consideration as negotiations began.

In May, following negotiations, the three agencies established a formal 45-day public comment period (May 22 - July 5). An additional four meetings were held June 17 - 20 across the state to give the public an opportunity to be informed about the proposed changes to the agreement and express their views.

The enclosed document is a summary and response to some of the key issues the public raised during the comment period. It is not a listing of every question or concern that came up, but rather an overview. However, every letter and comment received was reviewed and considered by the project managers for all three parties. All three parties participated in summarizing the comments and developing responses. In some cases, as noted, a response may reflect the position of one party. Transcripts of the meetings along with copies of all the written comments are available for public review at the Hanford cleanup information centers.

These will not be the last schedule changes. The cleanup of Hanford may be the largest and most complex environmental restoration project ever undertaken anywhere. As more is discovered about the nature and amount of waste, adjustments to cleanup schedules will have to be considered.

Proposed Changes to the Hanford Tri-Party Agreement
May 1991

Hanford Site Project Management System Upgrades. DOE has agreed to enhance and modify it's project management system to ensure strict lines of accountability, frequent reporting of program status under Tri-Party Agreement (Agreement) milestones, identification of actions necessary to get any part of the cleanup effort back on schedule, and cost control accounting. Ecology and EPA shall be working with DOE over the next few months to ensure system upgrades are acceptable to all parties.

Funding Language. DOE has agreed to increased involvement by Ecology and EPA in the preparation of Hanford's annual funding estimates and has promised to notify and consult with the two regulatory agencies prior to proposing any budgetary changes which might affect the milestones under the Agreement.

Liquid Effluent Treatment and Disposal. DOE has agreed to include treatment or closure schedules in the Tri-Party Agreement for 33 of the most significant liquid effluent streams which discharge to the soil at Hanford. These schedules will be negotiated by this September. For the first time, DOE is agreeing to the regulation of all streams under the State's waste discharge permit program. The near-term environmental impact of the 12 highest priority discharges will be significantly reduced by operating restrictions enforced through the Tri-Party Agreement. These improved practices are already being put into effect. For example, the volume of liquids discharged to the soil at the N-Reactor has been reduced by 99%.

Past Practices. Three major milestones cover DOE's commitments to investigate and clean up the past contamination of Hanford soil and groundwater. A new strategy for carrying out much of this work is being proposed. The new strategy will integrate some parts of the investigations across broader areas of the Hanford site. This includes provisions for conducting a river impact study, establishing sitewide background values for soil and groundwater and developing a risk assessment methodology. It is intended to get these investigations completed more quickly and more efficiently, so that cleanups can begin sooner. The new strategy includes a number of new milestones for DOE, together with a short-term deferral of some investigations previously planned for the next year.

Pretreatment. A new date for initiation of pretreatment operations will be proposed upon completion of a study to evaluate pretreatment options for double-shell tank waste. This study will be completed in December 1991. The study is intended to identify pretreatment solutions which are consistent with the 1999 Hanford Waste Vitrification Plant (HWVP) hot start-up. However, the parties recognize that this milestone may need to be revisited if clear and technically valid reasons demonstrate the DOE can not meet a December 1999 date.

Hanford Waste Vitrification Plant. The Hanford Waste Vitrification Plant hot start-up date of December 1999 remains unchanged. Initiation of construction is proposed to begin in April 1992 to support the December 1999 date.

Grout. Completion of the first fourteen grout campaigns are proposed to be delayed from September 1994 to December 1996 to accommodate additional safety requirements, to provide time for DOE to resolve grout formulation problems and for verification of grout solidification. Three additional enforceable milestones are proposed to be added for the initiation of vault construction.

Single-Shell Tank Interim Stabilization. Changes are proposed to the schedules for interim stabilization of single-shell tanks. The major milestone date of September 1995 is not affected. Additional target dates are proposed to be added to the Tri-Party Agreement schedules for continuation of stabilization activities at individual tank farms in 1991 and 1992.

Single-Shell Tank Waste Characterization. Changes to characterization milestones are proposed due to tank safety issues which continue to be addressed. One milestone is proposed to be redefined to cover the preparation of a sitewide integrated waste sampling plan covering highly radioactive samples. Following completion of the sitewide plan, which is due in March 1992, DOE will propose revised schedules for characterization milestones. No changes to the September 1998 major milestone are proposed. A new enforceable milestone is proposed to be added to restore rotary mode sampling capability for Hanford tank wastes. This proposed milestone has a due date of September 1992.

New Double-Shell Tanks. A change is proposed for construction of additional double-shell tanks. These tanks are necessary in order to provide more flexibility in safely handling wastes for pretreatment prior to disposal.

B Plant Hazardous Waste Permit. The milestone is proposed to be redefined due to the uncertainties regarding B Plant operating status. A new date for submittal of the permit application or closure plan will be established upon completion of the double-shell tank pretreatment study.

Groundwater Monitoring Wells. A 280-day extension, is proposed for the sites' ground water monitoring well installation schedule to reflect delays made necessary due to concerns regarding the single-shell tank farm well integrity.

Other changes. Paragraphs 112 and 114 of the Tri-Party Agreement are proposed to be modified to allow for extensions on a case by case basis, as agreed to by all parties, to the 7-day review period for change packages and initiation of dispute resolution.

In addition to the proposed changes described above, the status of two outstanding change packages is provided below:

Waste Receiving and Processing Facility Module I. The three parties have agreed to defer a decision on the requested six-month extension to this milestone until the Architect-Engineer has developed the project schedule. A decision on this is expected soon.

300 Area Process Trenches. The three parties have agreed to allow DOE additional time to provide information to support an extension of the December 1991 date to cease liquid discharges to these trenches. EPA and Ecology have specified that such information must include an analysis of the environmental impact or continued discharges past December 1991. In addition, DOE has agreed to conduct a value engineering study on the treatment system in an effort to accelerate construction. DOE plans to have the additional information available in September of this year.

Responses to Comments on the Proposed Changes September 1991

GROUT DISPOSAL PROGRAM

Comment: *Several comments concerned technical problems with grouting low-level waste. The comments were that with foresight, the current technical problems could have been identified and resolved prior to causing a delay. There was also concern about the amount of radioactivity to be disposed of in the grout vaults.*

Response: We agree. Additional interim milestones have been added to the Agreement. Increased State, EPA and DOE management oversight of this project should help identify and correct these problems before they can lead to further delays.

Ecology and EPA are very concerned with the amount of radioactivity to be disposed of in grout vaults. EPA and Ecology want as much of the radioactive and hazardous constituents removed from the waste prior to grouting as is feasible. This is what led Washington, Oregon and the Yakima Indian Nation to petition the Nuclear Regulatory Commission on the definition of "high-level waste". The intent of this petition is to ensure that tank wastes are treated as much as practical before grouting.

PRETREATMENT OF TANK WASTES

Comment: *Nearly all comments stated that B Plant should not be used to pretreat tank waste. Safety and environmental concerns outweigh any potential advantage that B Plant may have. Plans to use B Plant should be dropped immediately and money allocated be used to design and construct alternate pretreatment technologies and facilities.*

Response: The three parties agree that current safety and environmental standards must be met for any pretreatment facility. Before a decision on the viability of B Plant can be made, appropriate waste pretreatment analysis must be completed. The results of the B Plant viability study will be announced in December. At that time, we will be able to make the best decisions regarding pretreating tank wastes.

HANFORD WASTE VITRIFICATION PLANT

Comment: *Many comments stated that DOE violated the intent and spirit of the Agreement when it made a unilateral decision to delay the start of construction and operations of the Hanford Waste Vitrification Plant. These comments also stated that this decision was based on budget considerations instead of technical difficulties. The comments stated that construction should begin as soon as possible and hot operations must begin by December 1999.*

Response: It is true that in February 1991, DOE proposed to delay the Hanford Waste Vitrification Plant construction and operation schedule and DOE's 1992 funding request was reduced to reflect this proposed delay. The proposed delay was based on technical uncertainties rather than budget constraints. EPA and Ecology viewed DOE's actions as a unilateral decision not to request adequate funding to maintain the plant schedule.

During negotiations it became apparent to all parties that there were indeed technical issues that had the potential to impact the plant schedule but it was premature to make any changes to the hot start date. The technical difficulties are related to pretreatment, not with the plant itself. Availability of pretreated waste significantly affects timely completion of vitrification.

It was also determined that an evaluation of waste pretreatment alternatives must be completed prior to any change in the plant's hot start date. This evaluation will be completed by December 1991. It may result in a modification of related milestones and schedules within the entire waste treatment program. The state has made it clear that they will not accept any changes to the December 1999 start of hot operations unless that is demonstrated to be technically infeasible. In the interim, the three parties have agreed to a delay in the start of construction until April 1992 and not take any actions to prevent the start of hot operations in 1999.

REMOVING LIQUIDS FROM SINGLE-SHELL TANKS

Comment: *Comments generally stated that DOE should have been able to foresee the potential tank safety issues which have caused delays to pumping liquids from single-shell tanks.*

Response: We must continue to try to identify any potential impacts to the project as early as possible. There may be issues which we are unable to forecast. The resolution of the current tank safety issues should help ensure the pumping program will be maintained on the current schedules.

SINGLE-SHELL TANK CORE SAMPLING

Comment: *Most comments supported the delay in single-shell core sampling, but said DOE should have foreseen the potential impacts the tank safety issues may have had on the characterization program.*

Response: To help prevent or reduce the impact of tank safety problems on the single-shell tank sampling, DOE has obtained a second core sampling truck. Every effort will be made to speed up single-shell tank sampling including developing improved sampling techniques. To minimize impacts on future sampling activities and use resources more efficiently an integrated waste sampling plan is being developed.

PAST-PRACTICE INVESTIGATION STRATEGY

Comment: *Few comments were received on this proposed milestone change. The comments received were generally supportive of the changes. The commenters recognized the value of a new approach which would streamline the investigation process and consider cleanup of the Hanford Site in a more holistic manner.*

Although there were few comments that could be connected directly to this change request, the parties also had to take into consideration the clear, overall theme expressed by the public regarding all of the change packages. That theme was, "Cleanup must not be delayed".

Response: We agree that the cleanup of old waste sites must not be delayed. This was a motivating factor for exploring a new approach to investigation and cleanup of the Hanford Site. Although there are some near term delays in investigations, we believe the overall cleanup process will be accelerated with this approach. The proposed large area studies and other site-wide activities to be conducted will support investigations and remedial actions at all of the individual projects.

The proposed strategy is within the bounds of all federal and state requirements. We believe that this approach will result in more effective integration of investigation and cleanup. One of the greatest benefits of this new strategy is that it gets us out of the waste site investigation phase sooner and into a more dynamic process of cleanup linked with ongoing investigation.

The parties have begun to use the investigation strategy as outlined in the change request.

GROUNDWATER MONITORING WELLS

Comment: *Comments stated that the parties should not let the bureaucratic process interfere with accomplishing work on groundwater monitoring. Comments focused on ensuring this type of delay would be prevented.*

Response: Concerns raised by the states of Oregon and Washington about well drilling in contaminated areas required a study of well drilling practices. This resulted in an eight-month hold on well drilling around the single-shell tanks. It was determined that this required eight-month hold was the primary cause for DOE not being able to place the required number of wells in 1990. Therefore, good cause exists for granting this proposed change.

WASTE RECEIVING AND PROCESSING FACILITY

Comment: *Comments said the start of the Waste Receiving and Processing Plant construction should not be delayed because DOE diverted funds to another cleanup effort. Also, continued delay may cause environmental impacts due to deterioration of the containers used to store waste underground.*

Response: Ecology and EPA are continuing to evaluate this change request. A final decision will be made this fall.

LIQUID DISCHARGES TO THE 300-AREA TRENCHES

Comment: *Numerous commenters objected to any continued liquid discharge into the two trenches because of the high volumes and the detrimental impact to the environment. Virtually all of the comments received on this change request strongly opposed extending the milestone to allow DOE to continue liquid discharge to the trenches after December 1991.*

Response: EPA and Ecology denied DOE's original request on April 8, 1991. The parties agreed to work together to determine whether good cause for an extension might exist or whether the December 1991 milestone had to be met. The parties agreed on a list of information that would be necessary for EPA and Ecology to make a decision on this issue. DOE is to provide all of this information this fall. Once EPA and Ecology have received that information, a final decision will be made within seven days.

The decision will be based on whether there is good cause for an extension considering all circumstances related to continuing discharges.

In 1989, when this milestone was set, DOE had anticipated it could treat the water through a readily available, low-cost, portable treatment system. This would serve as a temporary measure until June 1995 when the 300-Area Treated Effluent System would replace the temporary treatment system. As DOE began to research options for treatment, it found that a temporary treatment system of this type was not available. This was the reason for DOE's original change request, submitted in March 1990. As a concession for continued discharge to the trenches after December 1991, DOE proposed that it could accelerate the 300-Area Treated Effluent System by six months, from June 1995 to December 1994. DOE also proposed to reduce the flow into the trenches from 1200 gallons per minute to 300 gallons per minute by December 1991.

In addition EPA and Ecology have required DOE to evaluate the environmental impacts of continued discharge past December 1991. EPA and Ecology have also required that DOE:

1) conduct a study of the 300-Area Treated Effluent System to determine if further acceleration of the project is possible,

2)remove the most heavily contaminated sediments and soils from the trenches, and

3)conduct further sampling of the waste stream.

The results of the acceleration study, which was led by the U.S. Army Corps of Engineers with participation from EPA and Ecology, indicate that little acceleration of the 300-Area Treated Effluent System could be achieved. The final report recommended that the schedule to complete the system by December 1994 not be changed.

The excavation and sampling of the first trench has just been completed. The initial field data indicates that the radioactivity (primarily due to the uranium content associated with past discharges) has been greatly reduced. Further analyses are now underway. This information will be necessary to assess the environmental impact of continued discharge proposed after December 1991.

NEW LIQUID TREATMENT AND DISPOSAL REQUIREMENTS (NEW SECTION 13)

Comment: *Most commenters said that all liquid discharges should be stopped now. The U-17 and the Z-20 cribs in the 200-Area and the 300-Area Process Trenches were used as examples. Reasons given were: 1) environmental impacts to the groundwater and the Columbia River and 2) the illegality of continued discharges.*

Some commenters challenged EPA and Ecology to be tougher on DOE regarding liquid discharges. They said the proposed interim restrictions on liquid effluents were of little value. Other commenters stated that the regulators have been ineffective in making DOE face the issue of liquid discharges. They said that new standards without penalties for noncompliance are nothing more than token gestures. Commenters also stated that DOE's concession to be regulated under the state's water quality permit program will have no effect on the way DOE manages its liquid waste streams.

There were no comments which favored continued discharge of liquid to the soil. There was some recognition of the benefits of negotiated interim restrictions, (e.g., the flow reduction at 1325-N crib in the 100-N Area from 300 to 2 gallons per minute). However, the proposal to add interim restrictions on high priority waste streams and to negotiate milestones to treat or stop these high priority streams by September 1991 was viewed as less than a satisfactory solution. Any action short of expeditious closure of all liquid effluent streams was viewed as unacceptable.

Response: We understand the concerns expressed by the commenters regarding continued liquid disposal to the soil. In large part, these comments are very similar to those received in early 1989 before the Tri-Party Agreement was signed. We have put a great deal of effort on the issue of liquid disposal.

A comprehensive study, conducted by DOE between May 1989 and October 1990, was an effort to evaluate all 33 high-priority streams discharged to the soil. Although this study had some shortcomings, it formed much of the basis for the proposed interim restrictions. It was the first time that the information was compiled in a consistent format for review. The review of the study also allowed the regulators to identify other information needed on the high-priority streams. These include detailed sampling and analysis plans and environmental assessments.

EPA and Ecology have always made it clear that some liquid discharges will continue at Hanford, even as cleanup gets underway. For example, treatment of contaminated groundwater is going to result in a discharge after treatment. This discharge can either go to the soil in accordance with groundwater requirements, or to the Columbia River in accordance with surface water requirements. EPA and Ecology believe that soil discharge, following treatment, may in some cases, be the best technical solution.

DOE's commitment to Congress to cease untreated discharge of the most contaminated liquid streams to the soil by June 1995 is also a requirement of the Tri-Party Agreement (M-17-00). The proposed changes retain that commitment, and add operational restrictions and milestones which apply to those streams and to other high-priority streams. Ultimately, any remaining liquid discharges to the soil will have to meet the state's requirements.

We view the new proposed Section 13 as a significant addition to the Tri-Party Agreement. For the first time, all of the liquids disposed to soil will be managed in a comprehensive manner. Major treatment systems for combined streams will greatly benefit the environment, compared to past untreated discharges to the soil.

EPA and Ecology have imposed interim restrictions on a priority basis, considering the environmental impacts of the discharges. We assessed the volumes of the streams, chemical and radiological concentrations of the streams, discharge locations, and current inventories of chemicals and radiological materials contained in the receiving sites. We identified twelve of the 33 streams as top priority. Five of these twelve streams will undergo treatment prior to any further discharge to the soil. Five will have their volumes reduced, with review of options for partial accelerated treatment. The remaining two will be rerouted away from the heavily contaminated sites. We view these restrictions as significant and of great environmental benefit.

EPA and Ecology must consider safety of the workers. Balancing the risks of environmental and public health impacts of continued operations with worker safety is a very difficult task. When we error, we will continue to error on the side of worker safety. For example, the Z-20 crib continues to receive cooling water from the Plutonium Finishing Plant, while the plant is in a standby mode. Until the combined treatment system is available in 1995, discharge of this stream to the soil will be necessary to prevent plant contamination problems. This spring, DOE proposed restart of the plant to stabilize existing material. This would result in an additional discharge to the Z-20 crib. DOE's reasoning was that plutonium dust in the duct work and transuranic radioactive material in temporary storage in the glove boxes and canyon were resulting in an increased risk to workers. EPA retained the services of an independent health physicist to determine whether these were legitimate claims. He concluded, after touring the plant and reviewing available information, that potential worker exposure problems did exist and could be mitigated by the stabilization run. The regulators must now make a decision on restart.

The Z-20 crib is an example of how the regulators are involved in assessing site operations and liquid effluent discharges and shows that the issues we deal with are not always clear cut. EPA and Ecology do our best to arrive at good decisions, after all the information has been considered. In some cases, EPA and Ecology may agree with a DOE proposal and in other cases, we may not. Our effectiveness should not be measured in terms of how many times we agree versus how many times we disagree. Our effectiveness should be measured by whether we are achieving the overall cleanup objectives.

Regarding whether certain liquid effluent discharges are illegal, EPA and Ecology are aware of two situations in which streams may violate specific statutes. The first situation involves the Resource Conservation and Recovery Act and its state counterpart, the Washington Hazardous Waste Management Act. These statutes contain strict prohibitions on disposal of hazardous chemical waste to the ground. In the spring of 1989, liquid from the Evaporator in the 200-East Area was found to contain small concentrations of hazardous waste. The evaporator was shut down and the discharge was eliminated. Before discharge to the ground can continue, the stream will have to be treated and found not to contain hazardous waste.

The second situation may involve a violation of the Safe Drinking Water Act. This involves discharging concentrated radioactivity underground. If these discharges cannot be stopped immediately, EPA will insist on interim controls and adding milestones to the Tri-Party Agreement to stop them as quickly as possible.

FUNDING AND BUDGET CONCERNS

Issues relating to Tri-Party Agreement funding and the budget were a major concern to many people. The concerns were focused on five areas which will be responded to individually.

Comment: *DOE didn't ask for enough money which shows their lack of commitment to the Tri-Party Agreement, violates the Tri-Party Agreement and therefore requires enforcement actions by the regulators. DOE made unilateral decisions on budget and reprogramming.*

Response: DOE is committed to the Tri-Party Agreement and believes it has tried, in good faith, to obtain the funds to meet its cleanup commitments. The Tri-Party Agreement requires DOE to develop a budget request that will meet the milestones in the agreement. This was done in 1989 when the fiscal year 1991 budget request was prepared. Actual costs have been greater than estimated two years ago. Where possible, DOE-Richland has requested supplemental funds or authority to move funds in the budget to meet the Tri-Party Agreement milestones. Some approvals from Congress and DOE Headquarters came too late to avoid impacts to Tri-Party Agreement milestones.

The President is required by the Constitution to submit a budget to Congress that is best for the nation as a whole. He has to weigh all funding requests against national priorities and his goal to reduce the national spending deficit. The Tri-Party Agreement does not take that authority from the President.

Ultimately, the Congress decides how much money will be authorized and appropriated. DOE must then work within the appropriated funds to meet their commitments.

Comment: *DOE is hiding money for plutonium production activities, like the operation of PUREX, N Reactor and the Plutonium Finishing Plant, in the cleanup budget.*

Response: It is DOE's position that they are not hiding money for plutonium production in the cleanup budget. The fiscal year 1992 cleanup budget does include funds to keep former production facilities in a safe condition and in compliance with environmental laws until

decisions are made on their ultimate shutdown and dismantling. For example, the 1992 budget includes keeping the Plutonium Finishing Plant and the Plutonium-Uranium Extraction Plant in an environmentally safe condition. Also, the budget includes funds to initiate permanent shut down and dismantling of N Reactor per Secretary Watkins' decision on August 14, 1991. Congress was fully aware of these intended uses when it approved the cleanup budget.

Comment: *The proposed changes were driven by lack of funds more than by technical reasons.*

Response: Technical reasons drove the need for the schedule extensions. In some cases, these technical issues caused a lack of funding. For example, some funding was diverted from lower priority activities to address immediate safety concerns with explosive chemicals in high-level waste tanks. Another example involved stopping the discharge of a contaminated liquid stream to the soil. Funding was diverted from a lower priority facility to process and store solid waste.

Comment: *EPA and Ecology need to be more involved in establishing the funding requested and making any reprogramming changes in the budget.*

Response: We agree that increased regulator involvement in funding decisions would be beneficial. For this reason, the Tri-Party Agreement has been revised to more specifically identify the role of EPA and Ecology in the review and development of cost estimates. The revised language now requires that DOE also notify EPA and Ecology of its plans to request more funds or reallocate existing funds which could impact the Tri-Party Agreement.

Comment: *There should be a dedicated source of money for the cleanup of Hanford.*

Response: Congress must decide this issue. The current means of funding cleanup is through annual Congressional appropriations. DOE opposes setting up a trust account limited to Hanford's use. DOE feels such an arrangement would hamper funding decisions based on risk among the various sites.

NEW DOUBLE-SHELL TANK CAPACITY

Comment: *The few comments received on this topic emphasized that neither DOE nor the regulators had justified the need for new tanks to the public.*

Response: The negotiated Tri-Party Agreement change package included the consideration of building up to four state-of-the-art double-shell waste storage tanks by the year 2000. Additional tanks are needed to:

- Store waste generated during normal operations
- Serve as a staging area for waste from vitrification or pretreatment activities
- Store waste while resolving tank safety issues
- Store waste in the event existing tank capacity is lost (Example: a tank leaks and the contents have to be removed.)

The completion of the new tanks will allow continued long-term waste storage in a safe environmentally sound manner which will comply with all DOE, state, and federal regulations.

Without the additional storage space, several Tri-Party Agreement milestones will be jeopardized.

PUBLIC INVOLVEMENT PROCESS

Comment: *Several comments concerned Ecology and EPA's participation in public involvement, and specifically public meetings. The commenters felt that meetings are dominated by the DOE. Some said that the public is excluded from the negotiation process. Comments said that Ecology should take charge of public involvement, and improvements to the process were suggested.*

Response: We recognize that public involvement is a key to Hanford Cleanup. To provide meaningful input, people must understand what is happening. They must also understand how and why decisions are made. There have been shortcomings in our public involvement process. We have not always made clear when or why public input is needed, or how it will be used. We are working to do a better job.

Public involvement is a responsibility shared among the parties. Westinghouse Hanford Company has provided much support for our public involvement activities. We were consulted on and approved their efforts. And, we are accountable for the work done for us. While that work will continue, the public information officers of the three parties are also taking a greater role in the process.

We did not adequately explain the change package process. At the June meetings, explanations were sometimes given for WHAT was decided, but not for the WHYS. At future meetings, we will do a better job of explaining the reasons and process behind our decisions.

In order to improve communication between the public and the three parties, several things are being done. The Department of Ecology is installing a toll-free line for questions and comments on cleanup. Ecology is now the central point for written comment as well. Comments and questions received from the public, both phone calls and written, will be shared among the parties. We will also review our public meetings, and will format them based on the meeting focus. This should help us communicate better with you, and you with us.

COST-EFFECTIVE USE OF FUNDS

Comment: *Two general themes were expressed. First, commenters urged us to make sure that tax dollars were being spent wisely. Some people asked that we put Hanford cleanup into perspective and consider the benefit, such as lives saved, compared to the dollars spent.*

Second, commenters asked the parties to consider the risks and costs associated with milestone delays. They were concerned that the situation would worsen, the contamination would spread further in the environment, and the cost of cleanup would go up.

Response: We agree with these concerns. They point out the need for a balanced approach to cleanup. Responsible management of the cleanup program is a requirement for success of the Tri-Party Agreement. Now in our third year, we have seen a need that has exceeded the available budget in each year. This is why we prioritize activities to address those that have the greatest potential to impact human health or the environment. The primary exposure pathway for off-site contamination is the Columbia River. Contaminants from Hanford have entered and are continuing to enter the river. Although drinking water standards are not exceeded downstream, the parties are concerned about the overall environmental impact of contamination. We believe that as we streamline our cleanup process, gain more experience, and benefit from an economy of scale, the costs will be in line with the benefits.

We do not believe that the contamination in the soil and groundwater will significantly worsen during the proposed schedule extensions. But there may be some impact. We consider the potential impact of any extension before a decision is made. These impacts (including spreading of contamination and increased costs) are weighed against the justification and "good cause" for any change request. Sometimes the evaluation is complex (i.e., the costs and benefits are not easily determined), and we must depend on our best judgement to arrive at a good decision. This is why we ask for public input on the more significant or complex schedule extension requests.

TRIBAL INVOLVEMENT

Comment: *Some comments were that the affected Indian tribes should be parties to the Tri-Party Agreement.*

Response: The affected Indian tribes are not parties to the Tri-Party Agreement, but their involvement is important to assure that their treaty rights are protected and the Federal Trust responsibility is fulfilled.

Tribes are not parties to the agreement because they do not have regulatory authority under the environmental laws that guide cleanup--Superfund and the Resource Conservation and Recovery Act. These authorities were given by law to the EPA and the states. Tribes do receive funding to participate in cleanup activities, which is to assure the tribes' treaty rights are protected. And, tribes are parties to the Department of Energy's cultural resource program.

CONTINUED WASTE DISPOSAL AT HANFORD

Comment: *Some concern was expressed that DOE was still accepting low-level waste for disposal at Hanford which appears to be in conflict with the Tri-Party Agreement goal to clean up the site.*

Response: Cleanup does not mean there will be no nuclear or hazardous wastes at Hanford. Cleanup means that these materials will be held in compliance with environmental law and

good practice. It makes sense to dispose of some offsite waste at Hanford. Hanford receives solid wastes from offsite, including defueled submarine reactor compartments and some wastes from other DOE sites.

The DOE determines which wastes go to which DOE site. DOE's policy is to dispose of them at a DOE site where this can be done safely. The DOE receives input on these decisions from affected State and tribal governments. Our society requires places to dispose of radioactive and hazardous materials. What is most important is that places like Hanford are properly managed and regulated to ensure the health of the public and the environment.

Commercial low-level waste is sent to the U.S. Ecology disposal site. This site is on land leased to the State of Washington just outside the 200 Areas. When other commercial disposal sites are developed, the U.S. Ecology site will only receive waste from Washington and nearby states.

NEW TECHNOLOGIES

Comment: *Some comments were received encouraging the three parties to evaluate the use of new technologies like freezing the soil to contain contaminants.*

Response: We are. We seek innovative technologies that can be applied at Hanford. Part of this effort is to evaluate technologies developed elsewhere and transfer these technologies to solve our problems. In many cases, we just need to modify them to solve our unique problems. For example, an existing technology was tested at the expedited cleanup site where carbon tetrachloride has spread through seven square miles of soil. A commercially available soil vapor extraction system was brought to Hanford and tested in April. The test successfully demonstrated the ability of this process to extract large amounts of carbon tetrachloride from the soil at Hanford and is being recommended for further use in cleaning up this site.

In other cases, new technologies must be developed through research, development, testing, and implementation. For example, we are testing off-the-shelf robotic systems to see how they can be modified and used at Hanford to characterize and retrieve waste from the underground storage tanks. This research and development project involves four national laboratories and private industry. We will need to complete lots of development and testing before we will have a robotics system suitable for the tanks at Hanford.

We continue to look for solutions that are environmentally responsible, meet the regulations, and are cost-effective.

COLUMBIA RIVER CONTAMINATION

Comment: *A number of commenters were concerned about the effect of Hanford on the Columbia River. Some commenters raised the issue of contaminated sediments downstream from Hanford and asked what the parties were going to do about it.*

Many of the comments were about the impact of continuing liquid discharges to the soil and the migration of contaminants into the groundwater and finally to the river. In general, commenters were supportive of river studies for the 100-Area, although some people felt that the parties should be looking at the whole stretch of river, not just the 100-Area.

Response: We agree that the Columbia River is the primary pathway for potential off-site migration of contaminants from Hanford. All of the cleanup investigations are designed to consider the past and current impacts of waste sites on the river. Two of the three recent accelerated cleanups (300-Area trench sediment removal and hexone drum removal) were designed to reduce or prevent migration of contaminants to the river. We prioritized areas for cleanup based on potential or documented impact to the river. For instance, 13 of the first 15 areas to undergo investigation are located adjacent to the river.

The river study is designed to gather information on a large scale. This will allow us to consider the cumulative impacts of all the waste sites in the old reactor area (100-Area). If this proves to be successful, we will consider a similar approach in other areas.

The investigation of contaminated sediments behind the dams and other locations downstream from the Hanford Site is currently not planned as part of the Tri-Party Agreement activity. But, such investigation is not precluded. We will review available data to determine whether further action to sample or investigate downstream sediments is appropriate.

The health departments of both Oregon and Washington routinely conduct analyses of downstream water and sediments for radionuclides. The radiation levels found in the water are below drinking water standards. The radiation levels found in the sediments have normally been at expected background levels. The results of this monitoring are used to evaluate environmental levels and identify any potential health impacts. This data and other historical radiation data will be included in a collective data base of all environmental contaminants. The Bi-State Lower Columbia River Water Quality Program will use the data base to identify water quality programs and to make recommendations on long-term solutions. The Washington Department of Health, Division of Radiation Protection, can be contacted at (206)586-8949, or in Washington at 1-800-525-0127.

HANFORD MISSION -- PRODUCTION OR CLEANUP?

Comment: *Many comments were received that expressed a concern that the Tri-Party Agreement schedule delays showed that DOE is more committed to production than cleanup. The comments reflected people's desire to see Hanford get totally out of all plutonium production activities and concentrate solely on cleanup.*

Response: Currently Hanford is not producing plutonium. It hasn't been decided whether any former production facilities will be used in the cleanup effort. As stated by the Secretary of Energy, Hanford is to become the "flagship" for DOE's cleanup efforts. Retraining personnel and realigning resources are examples of Hanford's commitment to the Secretary's directive. Hanford's budget is focused on cleanup.

Although Hanford's current mission is cleanup, that does not say that there could never be another production mission at Hanford or that other scientific missions are not compatible with the cleanup mission. Such proposals would be evaluated for their impact on cleanup and the public would have an opportunity to voice their concerns. These are decisions though that must be decided according to national policies and priorities. The decision on the reconfiguration of the nuclear weapons complex is an example. It deals with how and where nuclear weapons may be produced in the future. These decisions will be made by the President and Congress. The Secretary of Energy will consider the views of residents of the northwest as he advises the President. The northwest congressional delegation will also play an active role to ensure the values and opinions of citizens of the region are respected.

FUTURE SITE USE

Comment: *Future use of the Hanford Site should be decided through a process and schedule set in the Tri-Party Agreement.*

Response: We are considering this advice. We have selected a facilitator to develop a process for identifying alternatives for future Hanford use. The facilitator will be asked to meet with a wide range of interested parties, including local governments, Tribes, state and federal agencies, economic interest groups, watchdog and environmental groups. Then, the facilitator will help these parties recruit a broad-based working group to undertake development of alternatives for future Hanford Site uses. The facilitator will be asked to recommend to the parties, local governments, Indian tribes, and others the ***process*** to be used for developing the alternatives. The facilitator's work began September 1991.

We know the urgency of moving ahead with a broad-based, open public process. We are reluctant, however, to propose specific milestones in the agreement before a working group's decision about its goals, objectives, and schedules. Success of future site use/cleanup strategy planning depends on many parties' "ownership". Specific outcomes should not be imposed by us in advance.

SITE MANAGEMENT SYSTEM

Comment: *Several comments expressed concern about DOE's ability to effectively manage the Hanford Site cleanup activities and encouraged the regulators to have a stronger role in making sure DOE improves in this area.*

Response: Clearly, there remains much to be done to improve the management of the cleanup. However, since the inception of the Tri-Party Agreement, DOE has made significant changes in the way it manages the Hanford restoration. These changes have resulted in a much improved presence of EPA and Ecology on the site. For instance, while the regulators have always had access to cleanup data, Ecology and EPA now have on-line or direct computer access to some data systems used to support cleanup decisions. This improved access will help enhance regulatory control and oversight. Additionally, EPA and Ecology have opened offices in the Tri-Cities.

DOE has also directed its contractors to implement a management control system to address the need to better track individual milestones. The new system, scheduled to be in place this fall, will monitor each major and interim milestone. All elements of a milestone, including budgeting, scheduling and any variances, will be closely tracked. To ensure all the parties are informed and involved in the new system, DOE is proposing the establishment of a working group composed of Ecology, EPA, DOE and its contractor staff.

ENFORCEMENT BY THE REGULATORS

Comment: *Several commenters stated that EPA and Ecology are either unable or unwilling to require DOE to comply with the Tri-Party Agreement. The regulators were asked to take all steps necessary, including enforcement actions and lawsuits, to make DOE comply. Some individuals felt that EPA and Ecology had not been tough enough during the negotiations and, hence, had not represented the interests of the public.*

Response: EPA and Ecology understand that some people believe we should not approve any schedule delays. In considering the change requests, we had to evaluate whether "good cause" for changes existed. Good cause is defined in paragraph 110 of the Tri-Party Agreement. It includes things beyond DOE's control. The commenters are right that if we continually allow delays, the 30-year cleanup of Hanford will not be achieved. However, we must recognize situations in which there is good cause for extensions.

EPA and Ecology have considered the enforcement options available, both for these extension requests and for DOE's ongoing performance on the Tri-Party Agreement. So far, EPA and Ecology have not elected to use enforcement mechanisms. This does not mean that we will not take enforcement action in the future. We are at a critical point in the Tri-Party Agreement and the EPA and Ecology will take all steps necessary to ensure that the cleanup objectives are met.

CREDIBILITY

Comment: *Many comments reflected the fact that DOE and the regulators don't have credibility with the public and did not enhance their credibility with the way in which they dealt with the proposed changes to the Tri-Party Agreement.*

Response: We know that we have to work hard to earn and keep credibility with you. We will work hard to achieve honest and clear communication. We intend Hto gain public trust by demonstrating that we can and will clean up Hanford in a way that you can accept.

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